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City of Huntington v. AmerisourceBergen Drug Corp. et al, 17cv01362		
Witness Name: Darren Cox (Huntington Violent Crime & Drug Taskforce)		
Deposition Date: 7/15/2020		
White = Defendants' Affirmative Designations (w/ Plaintiffs' Objections and Defendants' Replies)		
Blue = Plaintiffs' Counter-Designations (w/ Defendants' Objections and Plaintiffs' Replies)		
Green = Plaintiffs' Completeness Designations (w/ Defendants' Objections and Plaintiffs' Replies)		
Pink = Defendants' Reply Designations (w/ Plaintiffs' Objections and Defendants' Replies)		
Designations	Objections	Reponses
10:03 - 10:12 10:03 Can you please state your name and 10:04 address for the record. 10:05 A. Yes. My name is Darren Cox. 10:06 Q. And where do you live, Special Agent 10:07 Cox? 10:08 A. Arlington, Virginia. 10:09 Q. What is your current job title? 10:10 A. Supervisory special agent. 10:11 Q. And that's with the FBI, correct? 10:12 A. Yes.		
10:21 - 11:06 10:21 Q. Special Agent Cox, you previously 10:22 served as coordinator of the Huntington Violent 11:01 Crime and Drug Task Force; is that correct? 11:02 A. Yes. 11:03 Q. When did you begin in that role? 11:04 A. I began in that role, I believe 11:05 around November of 2012 and concluded around 11:06 April of -- or May of 2015.		
28:12 - 28:21 28:12 Q. Before you were subpoenaed to 28:13 testify in this case, had you ever heard of 28:14 McKesson Corporation? 28:15 A. No, I had not. 28:16 Q. Had you ever heard of Cardinal 28:17 Health? 28:18 A. No. 28:19 Q. Had you ever heard of 28:20 AmerisourceBergen Corporation? 28:21 A. No.		
29:22 - 31:20 29:22 Q. Sitting here today, can you identify 30:01 anything specific that McKesson Corporation has 30:02 done that is unlawful? 30:03 A. No. 30:04 Q. Can you identify anything specific 30:05 that McKesson Corporation has done that is 30:06 unreasonable? 30:07 A. No. 30:08 Q. How about for Cardinal Health? Can 30:09 you identify anything specific that Cardinal 30:10 Health has done that is unlawful? 30:11 A. No. 30:12 Q. Can you identify anything specific 30:13 that Cardinal Health has done that is 30:14 unreasonable? 30:15 A. No. 30:16 Q. Can you identify anything specific 30:17 that AmerisourceBergen has done that is 30:18 unlawful? 30:19 A. No. 30:20 Q. Can you identify anything specific		

Designations		Objections	Reponses
30:21	that AmerisourceBergen has done that is		
30:22	unreasonable?		
31:01	A. No.		
31:02	Q. Sitting here today, do you know		
31:03	anything about any of the systems that the		
31:04	defendants have in this case in place to		
31:05	prevent diversion of prescription opioids?		
31:06	A. I do not.		
31:07	Q. Special Agent Cox, because you are		
31:08	not familiar with those systems, you would not		
31:09	be able to identify any apps attached to those		
31:10	systems that you consider to be defective,		
31:11	correct?		
31:12	A. Correct.		
31:13	Q. Do you know anything about what		
31:14	information any of the defendants in this case		
31:15	reported to the DEA?		
31:16	A. I do not.		
31:17	Q. Do you know anything about what		
31:18	information any of the defendants in this case		
31:19	reported to the State of West Virginia?		
31:20	A. I do not.		
35:10 - 35:19			
35:10	Q. Yes, sure. Do you have an	Re: [35:10 to 35:19] Speculation; Calls for Expert Testimony	Re: [35:10 to 35:19] Objections are unfounded. Questions ask for the witness's understanding and do not call for speculation or expert opinion.
35:11	understanding of whether prescription opioid		
35:12	medications are medically appropriate for the		
35:13	treatment of chronic pain?		
35:14	A. I understand medical doctors make		
35:15	that determination. That's the best of my		
35:16	knowledge.		
35:17	Q. Based on your experience and		
35:18	understanding, do you believe medical doctors		
35:19	are in the best position to make that decision?		
36:12 - 36:13			
36:12	THE WITNESS: All right. Yes.	Re: [36:12 to 36:13] Speculation; Calls for Expert Testimony	Re: [36:12 to 36:13] Objections are unfounded. Questions ask for the witness's understanding and do not call for speculation or expert opinion.
36:13	Doctors make that determination.		
39:19 - 39:22			
39:19	Q. Do you believe at one point, there		
39:20	was an opioid epidemic in Cabell County, West		
39:21	Virginia?		
39:22	A. Yes.		
42:14 - 42:17			
42:14	Q. What is your understanding of the		
42:15	biggest drug threat facing Cabell County in		
42:16	Huntington, West Virginia, when you left the		
42:17	task force in 2015?		
43:04 - 43:05			
43:04	THE WITNESS: It was a combination		
43:05	of prescription drugs and heroin.		
43:07 - 43:11			
43:07	Q. When you left the task force in		
43:08	2015, was one of those two categories of drugs		
43:09	that you just mentioned, prescription opioids		
43:10	and heroin, a larger threat to Cabell County		
43:11	and the City of Huntington?		

Designations	Objections	Reponses
43:22 - 44:03 43:22 THE WITNESS: Yes. The drug problem 44:01 changed over time. It changed from, I would 44:02 say a higher percentage of prescription drugs 44:03 to heroin by the time that I had left.		
44:05 - 44:11 44:05 Q. So by the time you left the task 44:06 force in 2015, heroin was a largest threat to 44:07 the area? 44:08 A. You know, I would say that they were 44:09 -- I would say heroin probably was a larger 44:10 percentage than prescription drugs at the time 44:11 I left.		
44:18 - 45:09 44:18 Q. Okay. So then your testimony and 44:19 your understanding is that there was a larger 44:20 percentage of heroin seizures and cases in 2015 44:21 compared to prescription opioid? 44:22 A. Again, I want to be specific as far 45:01 as the seizures. You know, there would be 45:02 specific statistics of that that would reflect 45:03 that. So -- and again, I think it would be 45:04 relative as to the amount -- an amount of 45:05 heroin versus an amount of pills are different 45:06 amount, different quantities. A pound of 45:07 heroin versus a pound of pills are different 45:08 quantities, so I'm not sure I can answer that 45:09 question the way it's stated.		
45:10 - 45:18 45:10 Q. Okay. That's fair. Well, you 45:11 previously testified that heroin was a larger 45:12 percentage at the time you left in 2015, so I 45:13 am trying to understand what you mean by that. 45:14 A. Yes. I would -- I am basing that on 45:15 the number of investigations and the number of, 45:16 I guess, subjects that we would have worked 45:17 that would have been specifically selling 45:18 heroin as opposed to prescription drugs.		
45:19 - 46:12 45:19 Q. Okay. So that's your understanding 45:20 that there was a larger percentage of 45:21 investigations and subjects in connection with 45:22 heroin compared to prescription drugs in 2015? 46:01 A. Yes. 46:02 Q. Special Agent Cox, are you familiar 46:03 with the phrase "diversion of pharmaceutical 46:04 drugs?" 46:05 A. Yes. 46:06 Q. What does that phrase "diversion" 46:07 mean? 46:08 A. To me, the way that I am familiar 46:09 with it, the diversion is -- would be people 46:10 using the -- obtaining a prescription for the 46:11 narcotics and then using them for an illegal 46:12 manner.		
47:10 - 48:03 47:10 Q. So is it your understanding then 47:11 that diversion of pharmaceutical drugs is		

Designations		Objections	Reponses
47:12	always illegal?		
47:13	A. Yes.		
47:14	Q. So then the person who diverts a		
47:15	pharmaceutical drug has committed a crime,		
47:16	correct?		
47:17	A. Yes.		
47:18	Q. Do you have an understanding of		
47:19	whether the use or possession of a diverted		
47:20	pharmaceutical drug is a crime?		
47:21	A. Yes.		
47:22	Q. Just so there's no confusion, the		
48:01	use or possession of a diverted pharmaceutical		
48:02	drug is a crime, correct?		
48:03	A. Yes.		
49:10 - 52:08			
49:10	Q. How does diversion occur, Special	Re: [49:10 to 52:08] Foundation; Lack of Personal Knowledge (51:22-52:8)	Re: [49:10 to 52:08] Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning how diversion occurs based on his experience in that role. There is no basis for a "personal knowledge" objection when the witness answers questions based on his own personal understanding, as Mr. Cox did here.
49:11	Agent Cox?		
49:12	A. My understanding is an individual		
49:13	would go to a physician and receive a		
49:14	prescription for whatever form of narcotics and		
49:15	then they would take that prescription and sell		
49:16	that prescription.		
49:17	Q. Are you familiar with the term		
49:18	"doctor shopping?"		
49:19	A. Yes.		
49:20	Q. What does "doctor shopping" mean?		
49:21	A. Individuals that would go to		
49:22	different doctors in order to obtain a		
50:01	prescription.		
50:02	Q. Doctor shopping is a form of		
50:03	diversion, correct?		
50:04	A. Yes.		
50:05	Q. Doctor shopping is illegal; is that		
50:06	right?		
50:07	A. My understanding is, the result of		
50:08	what they received from the doctor if they were		
50:09	going to sell that narcotic, then that would be		
50:10	illegal. I don't know if actually going to		
50:11	multiple doctors is illegal.		
50:12	Q. Okay. Fair enough. What about		
50:13	theft from a pharmacy. Is that a form of		
50:14	diversion?		
50:15	A. I'm sorry, can you repeat that.		
50:16	Q. Yes, sure. Theft from a pharmacy.		
50:17	Is that a form of diversion?		
50:18	A. I would assume if they stole		
50:19	prescription drugs that would be the purpose		
50:20	for that.		
50:21	Q. Okay. What about sharing pills with		
50:22	someone without a prescription. Is that a form		
51:01	of diversion?		
51:02	A. Yes.		
51:03	Q. I believe you already testified to		
51:04	this, but selling pills on the street, that's a		
51:05	form of diversion as well, correct?		
51:06	A. Yes.		
51:07	Q. How about a doctor who knowingly		
51:08	prescribes prescription opioids without a		
51:09	legitimate medical purpose. Is that a form of		
51:10	diversion?		
51:11	A. Yes, my understanding.		
51:12	Q. What about forging a prescription		
51:13	for opioids. Is that a form of diversion?		
51:14	A. Yes.		
51:15	Q. Can you think of any other ways that		

Designations		Objections	Reponses
51:16	prescription opioids can be diverted besides		
51:17	the ones we have just gone over?		
51:18	A. I cannot.		
51:19	Q. And all the forms of diversion that		
51:20	we just reviewed are illegal, correct?		
51:21	A. Yes.		
51:22	Q. The licensed distribution of		
52:01	controlled substances is not diversion,		
52:02	correct?		
52:03	A. From my understanding, yes.		
52:04	Q. So your understanding then is that a		
52:05	distributor like McKesson Corporation is not		
52:06	engaged in diversion when it delivers		
52:07	medication to a licensed pharmacy?		
52:08	A. Yes.		
57:06 - 57:08			
57:06	Q. When did you first join the FBI?		
57:07	A. I joined the FBI in December of		
57:08	2001.		
59:12 - 59:22			
59:12	When you joined in 2001, what was		
59:13	your title?		
59:14	A. Special agent.		
59:15	Q. What were your responsibilities when		
59:16	you were a special agent?		
59:17	A. Initially, I was assigned to the		
59:18	Phoenix Division of the FBI. My first		
59:19	assignment, I was assigned to a white collar		
59:20	squad which my responsibilities there were to		
59:21	investigate bank fraud -- primarily bank fraud		
59:22	investigations, criminal activity.		
61:20 - 62:04			
61:20	Q. Okay. So when did you leave the		
61:21	Phoenix office?		
61:22	A. I left the Phoenix office in		
62:01	December of 2009, I believe.		
62:02	Q. Where did you go after that?		
62:03	A. I transferred to Charleston, West		
62:04	Virginia.		
62:09 - 62:12			
62:09	Q. And what kind of work did you do		
62:10	when you transferred to the Charleston office?		
62:11	A. I was assigned to work		
62:12	counterterrorism investigations.		
63:07 - 64:10			
63:07	Q. I believe you testified that during		
63:08	that time period from 2001 to 2009, you did do		
63:09	some narcotics work in the Phoenix Division?		
63:10	A. Yes.		
63:11	Q. Did you encounter prescription		
63:12	opioids during that time?		
63:13	A. Not that I can recall, not in a --		
63:14	certainly not in a large volume, as a large a		
63:15	volume as after I transferred to West Virginia.		
63:16	Q. Okay. And from 2001 to 2009 in the		
63:17	Phoenix office, did you encounter any illegal		
63:18	opioids like heroin or fentanyl?		
63:19	A. Yes.		
63:20	Q. Was heroin a problem at that time?		
63:21	A. Not -- yes, it's always a problem		
63:22	but it was a relatively small problem and it		

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<p>64:01 was a -- I would say a very, very small number</p> <p>64:02 of investigations that we were -- that involved</p> <p>64:03 heroin.</p> <p>64:04 Q. When you say "heroin is always a</p> <p>64:05 problem," what do you mean?</p> <p>64:06 A. Well, any type of illegal drug I</p> <p>64:07 believe was a problem, so if someone is using</p> <p>64:08 any illegal drug, those have negative</p> <p>64:09 consequences so, therefore, as an investigator,</p> <p>64:10 it's problematic when people break the law.</p>		
<p>64:11 - 64:19</p> <p>64:11 Q. Understood. And in your experience</p> <p>64:12 in law enforcement and with the task force, are</p> <p>64:13 most illegal drugs present in some volume at</p> <p>64:14 all times?</p> <p>64:15 A. Yes.</p> <p>64:16 Q. But at certain times, certain</p> <p>64:17 illegal drugs become more popular and more</p> <p>64:18 prevalent; is that right?</p> <p>64:19 A. Yes.</p>		
<p>64:22 - 65:18</p> <p>64:22 So you transferred to Charleston in</p> <p>65:01 2009. You were working on counterterrorism</p> <p>65:02 cases but also doing some narcotics work; is</p> <p>65:03 that correct?</p> <p>65:04 A. Assisting with narcotics work,</p> <p>65:05 again, in a small office, you assist on a</p> <p>65:06 number of investigations. My primary</p> <p>65:07 responsibilities were terrorism cases.</p> <p>65:08 Q. How long were you in the Charleston</p> <p>65:09 office?</p> <p>65:10 A. In totality, I was assigned to the</p> <p>65:11 -- well, if I could, it is easier probably to</p> <p>65:12 break it down for you. I was in the Charleston</p> <p>65:13 office for approximately 15 months, and then I</p> <p>65:14 transferred to FBI headquarters as a</p> <p>65:15 supervisory special agent.</p> <p>65:16 Q. And FBI headquarters is in the</p> <p>65:17 Washington, D.C., area?</p> <p>65:18 A. Yes.</p>		
<p>66:19 - 67:07</p> <p>66:19 Q. When you moved to FBI headquarters</p> <p>66:20 in Washington in 2011, did you have a focus on</p> <p>66:21 a specific region of the country?</p> <p>66:22 A. I was -- at that point in time, I</p> <p>67:01 was responsible for working in our Weapons of</p> <p>67:02 Mass Destruction Division, and I did have a</p> <p>67:03 specific region of the country related to those</p> <p>67:04 type of investigations.</p> <p>67:05 Q. What was that region?</p> <p>67:06 A. It was the Northeast Region of the</p> <p>67:07 U.S.</p>		
<p>69:02 - 69:08</p> <p>69:02 Q. So how did you become involved with</p> <p>69:03 the task force in 2012?</p> <p>69:04 A. After I completed my assignment at</p> <p>69:05 FBI headquarters, I transferred back to the</p> <p>69:06 Charleston and Huntington resident agencies,</p> <p>69:07 and I was assigned to the Huntington Task</p> <p>69:08 Force.</p>		

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<p>73:03 - 73:15</p> <p>73:03 Q. What were your responsibilities as</p> <p>73:04 coordinator of the task force?</p> <p>73:05 A. To oversee the daily operations of</p> <p>73:06 the task force and then also to be involved in</p> <p>73:07 investigations.</p> <p>73:08 Q. When you say you oversaw day-to-day</p> <p>73:09 activities, what does that mean?</p> <p>73:10 A. So on the task force, we had a</p> <p>73:11 number of investigative entities and it was to</p> <p>73:12 ensure that we were working investigations that</p> <p>73:13 were consistent with what the bureau's goals</p> <p>73:14 and objectives were while benefiting the states</p> <p>73:15 and locals.</p>		
<p>86:08 - 86:20</p> <p>86:08 Q. It says: "Since 1992, this</p> <p>86:09 organization has brought a professional and</p> <p>86:10 coordinated effort in combating crime to the</p> <p>86:11 law enforcement community."</p> <p>86:12 Do you see that?</p> <p>86:13 A. Yes.</p> <p>86:14 Q. Does that refresh your recollection</p> <p>86:15 as to when the task force was founded?</p> <p>86:16 A. Sure, yes.</p> <p>86:17 Q. And so you believe the task force</p> <p>86:18 was founded in 1992?</p> <p>86:19 A. I have no reason not to believe</p> <p>86:20 that.</p>		
<p>87:16 - 87:19</p> <p>87:16 Q. And let me put it this way: Would</p> <p>87:17 there be any purpose of founding a violent</p> <p>87:18 crime and drug task force if there wasn't a</p> <p>87:19 drug problem in the city at the time?</p>	<p>Re: [87:16 to 87:19] Speculation; Assumes Facts; Calls for a Legal Conclulsion</p>	<p>Re: [87:16 to 87:19] Objections are unfounded. Question properly asks the witness to assume hypothetical facts and seeks to elicit his personal knowledge based on that hypothetical.</p>
<p>88:02 - 88:02</p> <p>88:02 A. Not that I am aware of.</p>	<p>Re: [88:02 to 88:02] Speculation; Assumes Facts; Calls for a Legal Conclulsion</p>	<p>Re: [88:02 to 88:02] Objections are unfounded. Question properly asks the witness to assume hypothetical facts and seeks to elicit his personal knowledge based on that hypothetical.</p>
<p>90:14 - 91:02</p> <p>90:14 What is your understanding of the</p> <p>90:15 purpose of the task force?</p> <p>90:16 A. The task force in Huntington was to</p> <p>90:17 combat violent crime, gang and narcotics drug</p> <p>90:18 trafficking organizations.</p> <p>90:19 Q. When you talk about drug trafficking</p> <p>90:20 organizations, you are talking about criminal</p> <p>90:21 drug trafficking organizations that are selling</p> <p>90:22 either illegal narcotics or illegally diverted</p> <p>91:01 prescription pills?</p> <p>91:02 A. Yes.</p>		

Designations	Objections	Reponses
<p>91:11 - 92:07</p> <p>91:11 Q. Okay. So when you first joined the</p> <p>91:12 task force in 2012, what illegal drugs were</p> <p>91:13 most prevalent in the City of Huntington?</p> <p>91:14 A. I would say prescription narcotics.</p> <p>91:15 Q. And that would include prescription</p> <p>91:16 opioids?</p> <p>91:17 A. Yes.</p> <p>91:18 Q. Does it include any other</p> <p>91:19 prescription narcotics that are not opioids?</p> <p>91:20 A. Probably, but it was mostly opioids.</p> <p>91:21 Q. When you say that "mostly opioids,"</p> <p>91:22 prescription opioids is the problem, you are</p> <p>92:01 talking about illegally diverted prescription</p> <p>92:02 opioids, correct?</p> <p>92:03 A. Yes.</p> <p>92:04 Q. You are not talking about someone</p> <p>92:05 who receives a prescription from their doctor</p> <p>92:06 and then uses the opioids in accordance with</p> <p>92:07 that prescription, right?</p>	<p>Re: [91:11 to 92:07]</p> <p>Argumentative, Speculation</p>	<p>Re: [91:11 to 92:07]</p> <p>Objections are unfounded. Questions are clearly not argumentative and do not call for speculation, but rather ask for the witness's personal understanding based on his role as Coordinator of the Huntington Violent Crime & Drug Task Force.</p>
<p>92:09 - 93:09</p> <p>92:09 THE WITNESS: Correct.</p> <p>92:10 BY MR. PETKIS:</p> <p>92:11 Q. So in 2012, illegal diverted</p> <p>92:12 prescription opioids was the most prevalent</p> <p>92:13 drug in the City of Huntington.</p> <p>92:14 Has that changed over time?</p> <p>92:15 A. Yes, in my opinion it has.</p> <p>92:16 Q. How so?</p> <p>92:17 A. In the beginning, as I understood</p> <p>92:18 it, my view and opinion based on working it was</p> <p>92:19 that prescription narcotics were the biggest</p> <p>92:20 problem. They were the biggest issue, and over</p> <p>92:21 a period of time, there were a number of</p> <p>92:22 investigations done that helped -- or made it</p> <p>93:01 harder to obtain illegal narcotics -- illegal</p> <p>93:02 prescriptions and the price of the pills on the</p> <p>93:03 street went up, and as the price and</p> <p>93:04 availability on the street went up or became</p> <p>93:05 harder to get, people switched to heroin.</p> <p>93:06 Q. So at some point after 2012, heroin</p> <p>93:07 became the most prevalent illegal drug in the</p> <p>93:08 City of Huntington?</p> <p>93:09 A. Yes, based on our investigations.</p>	<p>Re: [92:09 to 93:09]</p> <p>Speculation</p>	<p>Re: [92:09 to 93:09]</p> <p>Objection is unfounded. Question does not call for speculation, but rather asks for the witness's personal understanding based on his role as Coordinator of the Huntington Violent Crime & Drug Task Force.</p>
<p>94:22 - 95:08</p> <p>94:22 Q. Based on your experience at the task</p> <p>95:01 force, did the City of Huntington have a larger</p> <p>95:02 illegal narcotics problem than other</p> <p>95:03 communities in the area?</p> <p>95:04 A. I think geographically that's</p> <p>95:05 probably correct just because naturally, the</p> <p>95:06 City of Huntington is larger than the City of</p> <p>95:07 Milton or some of the other surrounding towns</p> <p>95:08 in the area.</p>		
<p>103:09 - 103:13</p> <p>103:09 Q. Is it your understanding that</p> <p>103:10 criminal drug trafficking organizations brought</p> <p>103:11 illegal narcotics into Huntington from outside</p> <p>103:12 the City of Huntington?</p> <p>103:13 A. Yes.</p>		

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<p>103:22 - 104:21</p> <p>103:22 Q. Okay. Would Detroit be one of the</p> <p>104:01 sources of illegal narcotics in the City of</p> <p>104:02 Huntington?</p> <p>104:03 A. Yes.</p> <p>104:04 Q. What about Mexico -- Mexican</p> <p>104:05 cartels, would they be a source of the illegal</p> <p>104:06 narcotics brought into the City of Huntington?</p> <p>104:07 A. I believe ultimately they would be</p> <p>104:08 the, you know, probably one of the main</p> <p>104:09 first-line suppliers of it, yes.</p> <p>104:10 Q. Are there any other cities or</p> <p>104:11 regions that you would consider a prominent</p> <p>104:12 source of illegal narcotics in the City of</p> <p>104:13 Huntington?</p> <p>104:14 A. From time to time, there were other</p> <p>104:15 sources, there were other cities, you know,</p> <p>104:16 from time to time, we would have cases that</p> <p>104:17 involved Akron, Ohio, we would have cases</p> <p>104:18 involving Atlanta, Georgia, we would have cases</p> <p>104:19 involving folks from Florida, so it kind of</p> <p>104:20 varied but Detroit would have been probably the</p> <p>104:21 most predominant.</p>		
<p>105:16 - 106:07</p> <p>105:16 Q. Are you aware of any time when</p> <p>105:17 either the Huntington Police Department or the</p> <p>105:18 Cabell County Sheriff's Office did not</p> <p>105:19 participate in the task force?</p> <p>105:20 A. I am not aware of any.</p> <p>105:21 Q. Okay. When one of these agencies</p> <p>105:22 participated in the task force, would they</p> <p>106:01 provide funding to the task force?</p> <p>106:02 A. No, they would not.</p> <p>106:03 Q. The other way around, right? The</p> <p>106:04 task force would provide funding to the</p> <p>106:05 agencies themselves?</p> <p>106:06 A. The FBI would provide overtime</p> <p>106:07 funding to the agencies.</p>		
<p>106:08 - 107:03</p> <p>106:08 Q. Is that the only form of funding,</p> <p>106:09 overtime funding that would be provided to the</p> <p>106:10 agencies?</p> <p>106:11 A. Can you clarify, what do you mean by</p> <p>106:12 "provided to the agencies." I'm not clear on</p> <p>106:13 that.</p> <p>106:14 Q. Sure. Did the FBI give any funding</p> <p>106:15 to the agencies besides overtime for task force</p> <p>106:16 officers?</p> <p>106:17 A. No. The FBI did not.</p> <p>106:18 Q. Did the FBI ever purchase equipment</p> <p>106:19 to be used by the agencies?</p> <p>106:20 A. The FBI would provide equipment that</p> <p>106:21 would be used collectively by the task force.</p> <p>106:22 Q. Would the FBI retain ownership of</p> <p>107:01 that equipment in the event that the task force</p> <p>107:02 ended?</p> <p>107:03 A. While I was there, yes.</p>		
<p>123:13 - 123:21</p> <p>123:13 Q. What proportion of the task force</p> <p>123:14 investigations were focused on opioids?</p> <p>123:15 A. I would say a very large percentage</p> <p>123:16 of the Task Force's efforts.</p>	<p>Re: [123:13 to 123:21] Incomplete designation.</p>	<p>Re: [123:13 to 123:21] Plaintiffs agree to designate 123:13-124:4.</p>

Designations		Objections	Reponses
123:17	Q. What proportion of the task force		
123:18	investigations were focused on prescription		
123:19	opioids in your experience?		
123:20	A. It varied from time to time. It		
123:21	would depend what an individual group was		
123:22 - 124:04			
123:22	doing. I would say that in the beginning, my		
124:01	time there, it was more driven towards		
124:02	prescription narcotics. Towards the end, there		
124:03	was probably a bigger percentage of heroin that		
124:04	we investigated.		
124:05 - 124:12			
124:05	Q. You testified earlier that Detroit		
124:06	was a major source of illicit drugs trafficked		
124:07	into the Huntington area; is that correct?		
124:08	A. To our knowledge, yes.		
124:09	Q. And Detroit was also a major source		
124:10	of illegally diverted prescription opioids		
124:11	trafficked into the Huntington area, correct?		
124:12	A. My understanding is yes.		
126:06 - 127:16		Re: [126:06 to 127:16] Foundation; Speculation; Lack of Personal Knowledge; Calls for Legal Conclusion; Compound	Re: [126:06 to 127:16] Objections are unfounded. Questions ask for the witness's understanding based on his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Questions do not call for a legal conclusion, but rather ask the witness to identify, as a matter of fact, whether the Task Force ever identified the Defendants as the source of any diverted prescription opioids in the area. Witness confirmed that, based on his understanding, the Task Force had not traced any illegally diverted prescription opioids back to Defendants, demonstrating personal knowledge in response to the question. Form objections waived by lack of contemporaneous objection.
126:06	Q. During your time on the task force,		
126:07	are you aware of any situation in which the		
126:08	task force traced the source of the illegally		
126:09	diverted prescription opioids back to McKesson		
126:10	Corporation?		
126:11	A. No, I'm not.		
126:12	Q. Same question for Cardinal Health.		
126:13	Are you aware of any investigation		
126:14	that traced the source of illegally diverted		
126:15	prescription opioids back to Cardinal Health?		
126:16	A. No, I'm not.		
126:17	Q. And what about AmerisourceBergen?		
126:18	A. No.		
126:19	Q. Okay. I think you mentioned		
126:20	previously that the task force did arrest some		
126:21	individuals for diverting pharmaceutical drugs;		
126:22	is that correct?		
127:01	A. For distributing prescription		
127:02	narcotics, yes.		
127:03	Q. And the assumption would be if they		
127:04	are illegally distributing prescription		
127:05	narcotics, then those narcotics were diverted		
127:06	at some point, correct?		
127:07	A. Yes.		
127:08	Q. It could have been diverted either		
127:09	by the person that you arrested for		
127:10	distributing them or by some other criminal act		
127:11	earlier in the chain, right?		
127:12	A. Yes, that's correct.		
127:13	Q. Okay. But it would always be a		
127:14	criminal act or a criminal drug trafficking		
127:15	organization that diverted the prescription		
127:16	opioids, correct?		
127:20 - 127:21		Re: [127:20 to 127:21] Foundation; Speculation; Lack of Personal Knowledge; Calls for Legal	Re: [127:20 to 127:21] Objections are unfounded. Questions ask for the witness's understanding
127:20	THE WITNESS: It would always be		
127:21	someone who committed a crime, yes.		

Designations	Objections	Reponses
	Conclusion; Compound	based on his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Questions do not call for a legal conclusion, but rather ask the witness to identify, as a matter of fact, whether the Task Force ever identified the Defendants as the source of any diverted prescription opioids in the area. Witness confirmed that, based on his understanding, the Task Force had not traced any illegally diverted prescription opioids back to Defendants, demonstrating personal knowledge in response to the question. Form objections waived by lack of contemporaneous objection.
128:15 - 128:19 128:15 Q. Based on your experience on the task 128:16 force, are you aware of any investigations that 128:17 revealed the McKesson Corporation had diverted 128:18 any prescription opioids? 128:19 A. Not to my knowledge.	Re: [128:15 to 128:19] Calls for Legal Conclusion; Compound; Speculation	Re: [128:15 to 128:19] Objections are unfounded. Question asks for the witness's understanding based on his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Question does not call for a legal conclusion or speculation, but rather asks the witness to identify, as a matter of fact, whether the Task Force ever identified McKesson as having diverted prescription opioids.
129:01 - 129:03 129:01 Q. Are you aware of any investigations 129:02 that revealed that Cardinal Health diverted any 129:03 prescription opioids?	Re: [129:01 to 129:03] Calls for Legal Conclusion; Compound; Speculation	Re: [129:01 to 129:03] Objections are unfounded. Question asks for the witness's understanding based on his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Question does not call for a legal conclusion or speculation, but rather asks the witness to identify, as a matter of fact, whether the Task Force ever identified Cardinal Health as having diverted prescription opioids.
129:09 - 129:09 129:09 THE WITNESS: Not to my knowledge.	Re: [129:09 to 129:09] Calls for Legal Conclusion; Compound;	Re: [129:09 to 129:09] Objections are unfounded. Question asks for

Designations	Objections	Reponses
	Speculation	the witness's understanding based on his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Question does not call for a legal conclusion or speculation, but rather asks the witness to identify, as a matter of fact, whether the Task Force ever identified Cardinal Health as having diverted prescription opioids.
131:10 - 131:14 131:10 Q. Based on your experience with the 131:11 task force and the investigations that 131:12 occurred, what is the most common way that 131:13 those individuals would have come into 131:14 possession of those illegally diverted pills?		
132:02 - 132:11 132:02 THE WITNESS: The individuals would 132:03 have come in possession of a larger quantity of 132:04 prescription medication and our investigations 132:05 would lead us to investigate the source of 132:06 supply of the larger amounts. 132:07 BY MR. PETKIS: 132:08 Q. And was the source of the supply for 132:09 the larger amounts of diverted prescription 132:10 opioids typically a criminal drug trafficking 132:11 organization?		
132:18 - 132:21 132:18 THE WITNESS: In some cases, that 132:19 would be the case. In other cases, we would 132:20 hear or learn information that they received 132:21 the drugs from a pharmacist or from a doctor.		
133:17 - 133:18 133:17 MR. PETKIS: I'm going to mark 133:18 Exhibit 32.		
133:22 - 135:01 133:22 Q. Special Agent Cox, have you seen 134:01 this document before? 134:02 A. I have -- I may have seen the press 134:03 release back in 2014, but I don't recall. 134:04 Q. But it does appear to be an e-mail 134:05 of a press release. You are listed on the "to" 134:06 line, correct? 134:07 A. Yes, I see that, yes. 134:08 Q. And the title of this particular 134:09 press release from the U.S. Attorney for the 134:10 Southern District of West Virginia is: "Heroin 134:11 and Pill Dealer Sentenced in Huntington Federal 134:12 Court;" is that correct? 134:13 A. Yes, that's correct. 134:14 Q. The second sentence of this 134:15 particular press release reads: "Chief Judge 134:16 Robert C. Chambers imposed a sentence of 87 134:17 months for Golson's role in a drug conspiracy 134:18 that included transporting heroin and oxycodone 134:19 from Detroit, Michigan, for sale in 134:20 Huntington;" is that correct?	Re: [133:22 to 135:01] Foundation; Speculation; Lack of Personal Knowledge; Calls for Legal Conclusion	Re: [133:22 to 135:01] Objections are unfounded. Witness confirmed that he received the email in question and readily answered questions concerning its contents, so the proper foundation was laid. Questions do not call for speculation or legal conclusion, but rather ask the witness to confirm his understanding of drug diversion that occurred during his time as Coordinator of the Huntington Violent Crime & Drug Task Force.

Designations	Objections	Reponses
<p>134:21 A. Yes.</p> <p>134:22 Q. This is an example of illegal</p> <p>135:01 diversion of prescription opioids, correct?</p>		
<p>135:06 - 135:06</p> <p>135:06 THE WITNESS: Yes.</p>	<p>Re: [135:06 to 135:06]</p> <p>Foundation; Speculation; Lack of Personal Knowledge; Calls for Legal Conclusion</p>	<p>Re: [135:06 to 135:06]</p> <p>Objections are unfounded. Witness confirmed that he received the email in question and readily answered questions concerning its contents, so the proper foundation was laid. Questions do not call for speculation or legal conclusion, but rather ask the witness to confirm his understanding of drug diversion that occurred during his time as Coordinator of the Huntington Violent Crime & Drug Task Force.</p>
<p>135:08 - 135:20</p> <p>135:08 Q. In the second paragraph, there is a</p> <p>135:09 reference to the task force and the second to</p> <p>135:10 last sentence reads: "Golson told agents that</p> <p>135:11 from January of 2010 to April of 2013, he</p> <p>135:12 received regular deliveries of heroin and</p> <p>135:13 oxycodone pills from Detroit that he sold in</p> <p>135:14 Huntington."</p> <p>135:15 Did I read that correctly?</p> <p>135:16 A. Yes.</p> <p>135:17 Q. So is it your understanding that in</p> <p>135:18 this particular situation, the source of the</p> <p>135:19 illegally diverted opioid pills was a criminal</p> <p>135:20 drug trafficking organization in Detroit?</p>	<p>Re: [135:08 to 135:20]</p> <p>Foundation; Speculation; Lack of Personal Knowledge; Calls for Legal Conclusion</p>	<p>Re: [135:08 to 135:20]</p> <p>Objections are unfounded. Witness confirmed that he received the email in question and readily answered questions concerning its contents, so the proper foundation was laid. Questions do not call for speculation or legal conclusion, but rather ask the witness to confirm his understanding of drug diversion that occurred during his time as Coordinator of the Huntington Violent Crime & Drug Task Force.</p>
<p>135:22 - 136:05</p> <p>135:22 THE WITNESS: Yes.</p> <p>136:01 BY MR. PETKIS:</p> <p>136:02 Q. And that particular criminal drug</p> <p>136:03 trafficking organization was also illegally</p> <p>136:04 trafficking heroin into Huntington at the same</p> <p>136:05 exact time; is that right?</p>	<p>Re: [135:22 to 136:05]</p> <p>Foundation; Speculation; Lack of Personal Knowledge; Calls for Legal Conclusion</p>	<p>Re: [135:22 to 136:05]</p> <p>Objections are unfounded. Witness confirmed that he received the email in question and readily answered questions concerning its contents, so the proper foundation was laid. Questions do not call for speculation or legal conclusion, but rather ask the witness to confirm his understanding of drug diversion that occurred during his time as Coordinator of the Huntington Violent Crime & Drug Task Force.</p>
<p>136:13 - 136:13</p> <p>136:13 THE WITNESS: Yes.</p>	<p>Re: [136:13 to 136:13]</p> <p>Foundation; Speculation; Lack of Personal Knowledge; Calls for Legal</p>	<p>Re: [136:13 to 136:13]</p> <p>Objections are unfounded. Witness confirmed that he received the email in</p>

Designations	Objections	Reponses
	Conclusion	question and readily answered questions concerning its contents, so the proper foundation was laid. Questions do not call for speculation or legal conclusion, but rather ask the witness to confirm his understanding of drug diversion that occurred during his time as Coordinator of the Huntington Violent Crime & Drug Task Force.
161:10 - 161:21 161:10 From your experience and based on 161:11 your involvement with the task force, has there 161:12 ever been a time when the abuse of illegal 161:13 drugs was not a problem in the City of 161:14 Huntington? 161:15 A. Not during my assignment there. 161:16 Q. And in your experience and based on 161:17 your involvement with the task force, has there 161:18 ever been a time when the abuse of illegal 161:19 drugs was not a problem in Cabell County? 161:20 A. Not during my assignment on the task 161:21 force.	Re: [161:10 to 161:21] Foundation; Speculation; Misleading; Vague (including as to time-frame); Lack of Personal Knowledge	Re: [161:10 to 161:21] Objections are unfounded. Questions ask for witness's personal understanding of drug use and abuse in Cabell/Huntington based on the knowledge and experience he gained as Coordinator of the Huntington Violent Crime & Drug Task Force. Witness answered questions based on his personal understanding. Form objections waived by lack of contemporaneous objection.
162:07 - 162:11 162:07 Q. Is it your understanding, based on 162:08 your involvement with the FBI Task Force, that 162:09 illegal drug use and abuse had been a 162:10 long-standing problem in the City of Huntington 162:11 prior to your joining in 2012?	Re: [162:07 to 162:11] Foundation; Speculation; Misleading; Vague (including as to time-frame); Lack of Personal Knowledge	Re: [162:07 to 162:11] Objections are unfounded. Questions ask for witness's personal understanding of drug use and abuse in Cabell/Huntington based on the knowledge and experience he gained as Coordinator of the Huntington Violent Crime & Drug Task Force. Witness answered questions based on his personal understanding.
162:13 - 162:13 162:13 THE WITNESS: Yes.	Re: [162:13 to 162:13] Foundation; Speculation; Misleading; Vague (including as to time-frame); Lack of Personal Knowledge	Re: [162:13 to 162:13] Objections are unfounded. Questions ask for witness's personal understanding of drug use and abuse in Cabell/Huntington based on the knowledge and experience he gained as Coordinator of the Huntington Violent Crime & Drug Task Force. Witness answered questions based on his personal understanding.
162:15 - 163:01 162:15 Q. Same question for Cabell County. Is 162:16 it your understanding that there had been a 162:17 long-standing illegal drug problem in Cabell	Re: [162:15 to 163:01] Foundation; Speculation; Misleading; Vague	Re: [162:15 to 163:01] Objections are unfounded. Questions ask for

Designations		Objections	Reponses
162:18	County prior to you joining in 2012?	(including as to time-frame); Lack of Personal Knowledge	witness's personal understanding of drug use and abuse and illegal drug distribution in Cabell/Huntington based on the knowledge and experience he gained as Coordinator of the Huntington Violent Crime & Drug Task Force. Witness answered questions based on his personal understanding. Form objections waived by lack of contemporaneous objection.
162:19	A. Yes.		
162:20	Q. It's your understanding that illegal		
162:21	drugs are trafficked into Cabell County and the		
162:22	City of Huntington by criminal drug trafficking		
163:01	organizations, correct?		
163:08 - 163:08			
163:08	A. Yes.	Re: [163:08 to 163:08] Foundation; Speculation; Misleading; Vague (including as to time-frame); Lack of Personal Knowledge	Re: [163:08 to 163:08] Objections are unfounded. Questions ask for witness's personal understanding of drug use and abuse and illegal drug distribution in Cabell/Huntington based on the knowledge and experience he gained as Coordinator of the Huntington Violent Crime & Drug Task Force. Witness answered questions based on his personal understanding.
163:18 - 163:22			
163:18	Q. And those illegal drugs that are	Re: [163:18 to 163:22] Foundation; Speculation; Misleading; Vague (including as to time-frame); Lack of Personal Knowledge	Re: [163:18 to 163:22] Objections are unfounded. Questions ask for witness's personal understanding of drug use and abuse in Huntington based on the knowledge and experience he gained as Coordinator of the Huntington Violent Crime & Drug Task Force. Witness answered questions based on his personal understanding. Form objections waived by lack of contemporaneous objection.
163:19	trafficked into the City of Huntington and		
163:20	Cabell County are then sold to end users by		
163:21	criminal drug dealers, correct?		
163:22	A. Yes.		
164:07 - 164:12			
164:07	Q. Sure. Based on your understanding	Re: [164:07 to 164:12] Foundation; Speculation; Vague (including as to time-frame); Lack of Personal Knowledge	Re: [164:07 to 164:12] Objections are unfounded. Questions ask for witness's personal understanding of illegal drug distribution in Cabell/Huntington based on the knowledge and experience he gained as Coordinator of the Huntington Violent Crime & Drug Task Force. Witness answered questions based on his personal understanding. Form objections waived by lack of contemporaneous objection.
164:08	and your experience with the task force, the		
164:09	licensed pharmaceutical distributors who are		
164:10	defendants in this case do not distribute any		
164:11	illegal drugs, correct?		
164:12	A. Not to my knowledge.		

Designations	Objections	Reponses
<p>167:08 - 167:11</p> <p>167:08 Q. Sure. Would you agree that</p> <p>167:09 defendants are not responsible for any of the</p> <p>167:10 illegal drugs that have been trafficked into</p> <p>167:11 Cabell County?</p>	<p>Re: [167:08 to 167:11]</p> <p>Calls for legal conclusion.</p>	<p>Re: [167:08 to 167:11]</p> <p>Unfounded objection. Counsel requested that the witness provide an answer based on his opinion (see 166:7-11). The witness then provided his opinion, as requested by counsel, based on his experience and knowledge.</p>
<p>167:14 - 167:19</p> <p>167:14 THE WITNESS: So my opinion is, you</p> <p>167:15 know, it's a very complex question and it's a</p> <p>167:16 very complex issue and so to say that it's --</p> <p>167:17 they bear no responsibility, at some point in</p> <p>167:18 time, a large volume of narcotics has increased</p> <p>167:19 year after year in our area. I don't know who</p>		<p>Re: [167:14 to 167:19]</p> <p>Defendants have objected to Plaintiffs' designation of 167:20 to 168:22 on multiple grounds. To the extent that those objections are overruled Defendants designate this portion for completeness on a conditional basis only.</p>
<p>167:20 - 168:22</p> <p>167:20 makes them. I don't know where they come from,</p> <p>167:21 but basic common sense to me as a business</p> <p>167:22 person understands that on a business aspect,</p> <p>168:01 you have an organization that is seeing</p> <p>168:02 astronomical amount of sales increase, whether</p> <p>168:03 that's heroin, whether that's pills, whatever</p> <p>168:04 it is, and what organization it is, and so to</p> <p>168:05 say that nobody bears a responsibility for it,</p> <p>168:06 somebody somewhere bears a responsibility that</p> <p>168:07 at some point in time, whether it's the end</p> <p>168:08 user, whether it's a local level dealer,</p> <p>168:09 whether it's a doctor or a pharmacist or a</p> <p>168:10 maker of narcotics, that it has increased year</p> <p>168:11 after year and at some level in the City of</p> <p>168:12 Huntington, Cabell County, the United States,</p> <p>168:13 we don't have an astronomical increase from</p> <p>168:14 year to year of people experiencing pain, so,</p> <p>168:15 therefore, at some level, not -- far, far,</p> <p>168:16 above my pay grade, but at some level, somebody</p> <p>168:17 bears some responsibility for it and to say</p> <p>168:18 that the first maker of the product bears no</p> <p>168:19 responsibility for it, I can't answer that and</p> <p>168:20 affirm to you whether they do or not, but</p> <p>168:21 that's my stance on it and my understanding of</p> <p>168:22 the problem.</p>	<p>Re: [167:20 to 168:22]</p> <p>Incomplete designation. Calls for legal conclusion.</p>	<p>Re: [167:20 to 168:22]</p> <p>Unfounded objection. Counsel requested that the witness provide an answer based on his opinion (see 166:7-11). The witness then provided his opinion, as requested by counsel, based on his experience and knowledge.</p>
<p>170:07 - 171:03</p> <p>170:07 Q. Okay. We talked about this a little</p> <p>170:08 bit previously, but would you agree that the</p> <p>170:09 popularity and availability of illegal drugs</p> <p>170:10 can change over time?</p> <p>170:11 A. Yes.</p> <p>170:12 Q. So for instance, a drug that was</p> <p>170:13 very popular in the '80s might not be so</p> <p>170:14 popular in the '90s, but then might make a</p> <p>170:15 resurgence in the 2000s, right?</p> <p>170:16 A. Yes.</p> <p>170:17 Q. And as the popularity and</p> <p>170:18 availability of a specific illegal drug</p> <p>170:19 changes, the threats posed by that illegal drug</p> <p>170:20 can also change; is that right?</p> <p>170:21 A. Yes.</p> <p>170:22 Q. And so the threats posed by specific</p> <p>171:01 illegal drugs can ebb and flow over time as</p>		

Designations		Objections	Reponses
171:02	well, right?		
171:03	A. Yes.		
171:06 - 171:10	171:06 What are the factors that determine 171:07 whether a specific illegal drug will be popular 171:08 or highly accessible at any given moment? 171:09 A. I think part of it is the supply, 171:10 the cost and the availability.		
172:07 - 172:10	172:07 Q. Okay. How does the popularity and 172:08 accessibility of a particular illegal drug 172:09 relate to the threats posed by that illegal 172:10 drug?		
172:14 - 173:05	172:14 THE WITNESS: So I would use 172:15 marijuana as an example, not my -- not an 172:16 official FBI stance but I would use marijuana 172:17 for example. 172:18 Marijuana is in higher supply now or 172:19 appears to be in higher supply now, but people 172:20 that smoke marijuana don't necessarily show the 172:21 propensity for violence and the death rate and 172:22 other violent acts as what other drugs that may 173:01 not be as available for. They may be at 173:02 cheaper cost and so there is a variety of drugs 173:03 out there that may be a high number but they 173:04 may not have the same risk factors just because 173:05 it's in a higher number.		
174:01 - 174:04	174:01 Q. Okay. So you did testify that price 174:02 played a role in the popularity of a specific 174:03 illegal drug, right? 174:04 A. Yes.		
175:17 - 175:22	175:17 Q. So in that sense, as price decreases 175:18 and supply increases, the threat for a 175:19 particular illegal drug will be higher, 175:20 correct? 175:21 A. The amount of usage would be higher, 175:22 yes.		
176:19 - 176:20	176:19 Q. Criminal actors set the prices for 176:20 illegal drugs like heroin, correct?	Re: [176:19 to 176:20] Argumentative; Lack of Foundation; Speculation; Vague	Re: [176:19 to 176:20] Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets. Questions are not in any way argumentative.

Designations	Objections	Reponses
<p>177:01 - 177:02</p> <p>177:01 THE WITNESS: Yes, to some degree</p> <p>177:02 it's the seller and the user.</p>	<p>Re: [177:01 to 177:02]</p> <p>Argumentative; Lack of Foundation; Speculation; Vague</p>	<p>Re: [177:01 to 177:02]</p> <p>Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets. Questions are not in any way argumentative.</p>
<p>177:04 - 177:07</p> <p>177:04 Q. Okay. But government-licensed</p> <p>177:05 distributors of legal narcotics do not set the</p> <p>177:06 price in the market for illegal drugs like</p> <p>177:07 heroin, right?</p>		
<p>177:11 - 177:17</p> <p>177:11 THE WITNESS: Not per se. What I</p> <p>177:12 mean by that is that -- what we saw in the time</p> <p>177:13 that I was on the task force, when prescription</p> <p>177:14 medication becomes harder and harder to obtain,</p> <p>177:15 then the price of prescription narcotics goes</p> <p>177:16 up and the cost of heroin then goes down, and</p> <p>177:17 so that is the way I view that.</p>		
<p>177:19 - 178:07</p> <p>177:19 Q. Okay. But the licensed distributor</p> <p>177:20 of legal narcotics doesn't tell a criminal drug</p> <p>177:21 trafficking organization or an individual drug</p> <p>177:22 dealer how much to sell their heroin for,</p> <p>178:01 right?</p> <p>178:02 A. Correct.</p> <p>178:03 Q. The criminal drug trafficking</p> <p>178:04 organization or the individual dealer, they</p> <p>178:05 make the decision how much to sell their heroin</p> <p>178:06 for, right?</p> <p>178:07 A. Yes.</p>	<p>Re: [177:19 to 178:07]</p> <p>Argumentative; Lack of Foundation; Speculation; Vague</p>	<p>Re: [177:19 to 178:07]</p> <p>Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crime and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets. Question are not in any way argumentative. Form objections waived by lack of contemporaneous objection.</p>
<p>179:01 - 179:08</p> <p>179:01 Q. But accessibility and supply play a</p> <p>179:02 role in determining the level of usage of a</p> <p>179:03 particular illegal drug, right?</p> <p>179:04 A. Yes.</p> <p>179:05 Q. And it's criminal drug trafficking</p> <p>179:06 organizations and criminal drug dealers that</p> <p>179:07 determine the availability and supply of</p>	<p>Re: [179:01 to 179:08]</p> <p>Argumentative; Misleading; Lack of Foundation; Speculation; Vague</p>	<p>Re: [179:01 to 179:08]</p> <p>Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his</p>

Designations	Objections	Reponses
179:08 illegal drugs in the City of Huntington, right?		experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets. Questions are not in any way argumentative. Form objections waived by lack of contemporaneous objection.
179:12 - 179:12 179:12 THE WITNESS: Yes, to some degree.	Re: [179:12 to 179:12] Argumentative; Misleading; Lack of Foundation; Speculation; Vague	Re: [179:12 to 179:12] Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets. Questions are not in any way argumentative.
179:14 - 179:17 179:14 Q. And licensed distributors of illegal 179:15 narcotics don't tell criminal drug trafficking 179:16 organizations or drug dealers how much of a 179:17 particular drug -- illegal drug to sell, right?	Re: [179:14 to 179:17] Argumentative; Misleading; Lack of Foundation; Speculation; Vague	Re: [179:14 to 179:17] Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets. Questions are not in any way argumentative.
179:22 - 179:22 179:22 THE WITNESS: That's correct.	Re: [179:22 to 179:22] Argumentative; Misleading; Lack of Foundation; Speculation; Vague	Re: [179:22 to 179:22] Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets. Questions are not in any way argumentative.
180:02 - 180:05 180:02 Q. The criminal drug trafficking 180:03 organization or drug dealer, they alone make 180:04 the decision of how much a particular illegal	Re: [180:02 to 180:05] Argumentative; Misleading; Lack of	Re: [180:02 to 180:05] Objections are unfounded. Mr. Cox previously

Designations	Objections	Reponses
180:05 drug to sell, right?	Foundation; Speculation; Vague	served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets. Questions are not in any way argumentative.
180:09 - 180:09 180:09 THE WITNESS: Yes. Yes.	Re: [180:09 to 180:09] Argumentative; Misleading; Lack of Foundation; Speculation; Vague	Re: [180:09 to 180:09] Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets. Questions are not in any way argumentative.
186:01 - 186:05 186:01 Q. Is there anything unique about the 186:02 City of Huntington or Cabell County that makes 186:03 it particularly susceptible to illegal drug 186:04 use? 186:05 A. Not to my knowledge.		
186:06 - 186:08 186:06 Q. Okay. I'm going to mark two 186:07 exhibits at the same time, 46 and 47, if you 186:08 want to pull those out.	Re: [186:06 to 186:08] Question designated with no answer; Improper narrative	Re: [186:06 to 186:08] Question designated for purposes of laying foundation for ensuing questions regarding Exhibit 47, which is a January 27, 2015 report prepared by the Huntington Violent Crime & Drug Task Force. The Task Force contains members of the Huntington Police Department, and this particular report was prepared by Mr. Cox and sent by him to a member of the Huntington Police Department.
187:06 - 187:08 187:06 Q. Who is Greg Moore? 187:07 A. Greg Moore was a member of the task 187:08 force from Huntington Police Department.		
188:10 - 188:15 188:10 Q. All right. Let's look at the next 188:11 exhibit. This is 47. 188:12 This document is titled: "FBI 188:13 Huntington Violence Crime Drug Task Force, 188:14 Huntington Interdiction Team, OCDETF Funding	Re: [188:10 to 188:15] Question designated with no answer; Improper narrative	Re: [188:10 to 188:15] Question designated for purposes of laying foundation for ensuing questions regarding Exhibit

Designations	Objections	Reponses
<p>188:15 Proposal," and it's dated January 27, 2015.</p>		<p>47, which is a January 27, 2015 report prepared by the Huntington Violent Crime & Drug Task Force. The Task Force contains members of the Huntington Police Department, and this particular report was prepared by Mr. Cox and sent by him to a member of the Huntington Police Department.</p>
<p>188:22 - 189:05</p> <p>188:22 Q. What is this document?</p> <p>189:01 A. This is a document that was prepared</p> <p>189:02 by myself with the assistance of some other</p> <p>189:03 folks from the task force in order to get a</p> <p>189:04 fund -- request funding for interdiction</p> <p>189:05 program that we had in Huntington.</p>	<p>Re: [188:22 to 189:05] Relevance; Hearsay</p>	<p>Re: [188:22 to 189:05] Question pertains to Exhibit 47, which is a January 27, 2015 report prepared by the Huntington Violent Crime & Drug Task Force. The Task Force contains members of the Huntington Police Department, and this particular report was prepared by Mr. Cox and sent by him to a member of the Huntington Police Department. Exhibit 47 is relevant in demonstrating the impact of illegal drug distribution on Cabell/Huntington and in particular the presence of illegal drug dealers from Detroit and surrounding areas in Cabell/Huntington. Because Exhibit 47 sets forth the activities of the Huntington Violent Crime & Drug Task Force, it therefore constitutes an admissible public record for which Plaintiffs cannot demonstrate untrustworthiness under FRE 803(8)(A)(i). Exhibit 47 is also admissible as a non-hearsay statement of a party opponent under FRE 801(d)(2)(B). At minimum, Exhibit 47 could be admitted not for its truth, but instead for notice to the Huntington Police Department of illegal drug distribution in Cabell/Huntington as of 2015.</p>
<p>194:17 - 196:05</p> <p>194:17 Q. Okay. We are going to skip a</p> <p>194:18 sentence, but the third sentence in this</p> <p>194:19 paragraph states: "Huntington is the largest</p> <p>194:20 city in the region and located approximately</p> <p>194:21 300 miles south of Detroit, Michigan. It is</p> <p>194:22 frequently referred to as 'Little Detroit' due</p> <p>195:01 to the large population of former Detroit-based</p> <p>195:02 heroin traffickers."</p> <p>195:03 Did I read that correctly?</p> <p>195:04 A. Yes.</p> <p>195:05 Q. Have you ever heard of Huntington</p>	<p>Re: [194:17 to 196:05] Relevance; Hearsay; Speculation; Improper Opinion</p>	<p>Re: [194:17 to 196:05] Question pertains to Exhibit 47, which is a January 27, 2015 report prepared by the Huntington Violent Crime & Drug Task Force. The Task Force contains members of the Huntington Police Department, and this particular report was prepared by Mr. Cox and sent by him to a member of the</p>

Designations		Objections	Reponses
195:06	referred to as "Little Detroit?"		Huntington Police Department.
195:07	A. Yes.		Exhibit 47 is relevant in
195:08	Q. Huntington was given that nickname		demonstrating the impact of
195:09	due to the large population of heroin		illegal drug distribution on
195:10	traffickers from Detroit?		Cabell/Huntington and in
195:11	A. Yes.		particular the presence of
195:12	Q. The very next sentence reads:		illegal drug dealers from
195:13	"Huntington is a destination city known and		Detroit and surrounding areas
195:14	utilized by Detroit violent gang members and		in Cabell/Huntington. Because
195:15	narcotic traffickers to establish heroin		Exhibit 47 sets forth the
195:16	distribution points in other parts of the		activities of the Huntington
195:17	tri-state region. The Huntington area is a		Violent Crime & Drug Task
195:18	well-known regional distribution hub for the		Force, it therefore
195:19	entire tri-state region for illegal drugs,		constitutes an admissible
195:20	which has resulted in a deterioration of the		public record for which
195:21	area with increased slum and blighting		Plaintiffs cannot demonstrate
195:22	conditions."		untrustworthiness under FRE
196:01	Did I read that correctly?		803(8)(A)(i). Exhibit 47 is
196:02	A. Yes.		also admissible as a
196:03	Q. In your experience, is the City of		non-hearsay statement of a
196:04	Huntington a destination city for violent gang		party opponent under FRE
196:05	members and narcotics traffickers from Detroit?		801(d)(2)(B). At minimum,
			Exhibit 47 could be admitted
			not for its truth, but instead
			for notice to the Huntington
			Police Department of illegal
			drug distribution in
			Cabell/Huntington as of 2015.
			Question does not call for
			speculation or opinion, but
			rather asks for Mr. Cox's
			personal understanding based
			on his drafting of the
			document and knowledge as
			Coordinator of the Huntington
			Violent Crime & Drug Task
			Force.
196:07 - 196:07			
196:07	THE WITNESS: Yes.	Re: [196:07 to 196:07] Relevance; Speculation; Improper Opinion	Re: [196:07 to 196:07] Question pertains to Exhibit 47, which is a January 27, 2015 report prepared by the Huntington Violent Crime & Drug Task Force. The Task Force contains members of the Huntington Police Department, and this particular report was prepared by Mr. Cox and sent by him to a member of the Huntington Police Department. Exhibit 47 is relevant in demonstrating the impact of illegal drug distribution on Cabell/Huntington and in particular the presence of illegal drug dealers from Detroit and surrounding areas in Cabell/Huntington. Because Exhibit 47 sets forth the activities of the Huntington Violent Crime & Drug Task Force, it therefore constitutes an admissible public record for which

Designations	Objections	Reponses
		<p>Plaintiffs cannot demonstrate untrustworthiness under FRE 803(8)(A)(i). Exhibit 47 is also admissible as a non-hearsay statement of a party opponent under FRE 801(d)(2)(B). At minimum, Exhibit 47 could be admitted not for its truth, but instead for notice to the Huntington Police Department of illegal drug distribution in Cabell/Huntington as of 2015. Question does not call for speculation or opinion, but rather asks for Mr. Cox's personal understanding based on his drafting of the document and knowledge as Coordinator of the Huntington Violent Crime & Drug Task Force.</p>
<p>196:09 - 196:11</p> <p>196:09 Q. Why is that the case?</p> <p>196:10 A. There is a demand for illegal drugs</p> <p>196:11 in Huntington.</p>	<p>Re: [196:09 to 196:11]</p> <p>Relevance; Speculation; Improper Opinion</p>	<p>Re: [196:09 to 196:11]</p> <p>Question pertains to Exhibit 47, which is a January 27, 2015 report prepared by the Huntington Violent Crime & Drug Task Force. The Task Force contains members of the Huntington Police Department, and this particular report was prepared by Mr. Cox and sent by him to a member of the Huntington Police Department. Exhibit 47 is relevant in demonstrating the impact of illegal drug distribution on Cabell/Huntington and in particular the presence of illegal drug dealers from Detroit and surrounding areas in Cabell/Huntington. Because Exhibit 47 sets forth the activities of the Huntington Violent Crime & Drug Task Force, it therefore constitutes an admissible public record for which</p> <p>Plaintiffs cannot demonstrate untrustworthiness under FRE 803(8)(A)(i). Exhibit 47 is also admissible as a non-hearsay statement of a party opponent under FRE 801(d)(2)(B). At minimum, Exhibit 47 could be admitted not for its truth, but instead for notice to the Huntington Police Department of illegal drug distribution in Cabell/Huntington as of 2015. Question does not call for speculation or opinion, but rather asks for Mr. Cox's personal understanding based on his drafting of the document and knowledge as Coordinator of the Huntington Violent Crime & Drug Task Force.</p>

Designations	Objections	Reponses
<p>214:18 - 214:21</p> <p>214:18 Based on your experience with the</p> <p>214:19 task force, are you aware of any years in which</p> <p>214:20 marijuana was not being illegally sold and</p> <p>214:21 abused in the City of Huntington?</p>	<p>Re: [214:18 to 214:21]</p> <p>Vague; Relevance;</p> <p>Speculation</p>	<p>Re: [214:18 to 214:21]</p> <p>Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets in Cabell/Huntington, both of which are relevant to multiple issues in this case. Question does not ask the witness to speculate, but rather asks for his personal understanding based on his role as Coordinator of the Task Force.</p>
<p>215:02 - 215:02</p> <p>215:02 THE WITNESS: No.</p>	<p>Re: [215:02 to 215:02]</p> <p>Vague; Relevance;</p> <p>Speculation</p>	<p>Re: [215:02 to 215:02]</p> <p>Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets in Cabell/Huntington, both of which are relevant to multiple issues in this case. Question does not ask the witness to speculate, but rather asks for his personal understanding based on his role as Coordinator of the Task Force.</p>
<p>225:06 - 225:10</p> <p>225:06 Q. Based on your experience with law</p> <p>225:07 enforcement and the task force, are there any</p> <p>225:08 years you are aware of where cocaine and crack</p> <p>225:09 cocaine was not being illegally sold and abused</p>	<p>Re: [225:06 to 225:10]</p> <p>Vague; Speculation;</p> <p>Relevance</p>	<p>Re: [225:06 to 225:10]</p> <p>Objections are unfounded. Mr. Cox previously served as Coordinator of the</p>

Designations	Objections	Reponses
<p>225:10 in the City of Huntington?</p>		<p>Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets in Cabell/Huntington, both of which are relevant to multiple issues in this case. Question does not ask the witness to speculate, but rather asks for his personal understanding based on his role as Coordinator of the Task Force.</p>
<p>225:12 - 225:12 225:12 THE WITNESS: Not to my knowledge.</p>	<p>Re: [225:12 to 225:12] Vague; Speculation; Relevance</p>	<p>Re: [225:12 to 225:12] Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets in Cabell/Huntington, both of which are relevant to multiple issues in this case. Question does not ask the witness to speculate, but rather asks for his personal understanding based on his role as Coordinator of the Task Force.</p>
<p>227:02 - 227:05 227:02 Q. What about based on your personal 227:03 experience growing up in West Virginia, are you 227:04 aware of heroin use in the State of West 227:05 Virginia prior to 2012?</p>		
<p>227:07 - 227:11 227:07 THE WITNESS: You know, heroin was 227:08 something that I rarely heard of growing up in 227:09 West Virginia. Prior to my law enforcement 227:10 experience, it was -- heroin was not very 227:11 prevalent.</p>		
<p>229:13 - 229:22 229:13 Q. Based on your experience with the 229:14 task force, are all of these different types of 229:15 heroin listed here, black tar, brown and 229:16 Mexican, illegally sold and abused in the City 229:17 of Huntington and Cabell County? 229:18 A. You know, I am trying to recall if 229:19 we had any black tar heroin. I think that we 229:20 did, but it would have been very small amounts. 229:21 If we had it during my time, it would be very 229:22 small amounts.</p>		

Designations	Objections	Reponses
<p>230:01 - 230:07</p> <p>230:01 Q. Okay. To the best of your</p> <p>230:02 knowledge, to the extent these different types</p> <p>230:03 of heroin are present in the City of Huntington</p> <p>230:04 or Cabell County, is it your understanding that</p> <p>230:05 they were illegally trafficked by criminal drug</p> <p>230:06 trafficking organizations?</p> <p>230:07 A. Yes.</p>	<p>Re: [230:01 to 230:07]</p> <p>Compound; Relevance</p>	<p>Re: [230:01 to 230:07]</p> <p>Objections are unfounded. The topics of heroin distribution and the role of illegal drug traffickers are relevant to multiple disputed issues in this case. Form objection waived by lack of contemporaneous objection.</p>
<p>231:04 - 231:18</p> <p>231:04 Q. Has Xanax ever been a threat to the</p> <p>231:05 City of Huntington or Cabell County?</p> <p>231:06 A. Yes. It's used. It's an illegal</p> <p>231:07 drug that is used in the City of Huntington</p> <p>231:08 from my understanding.</p> <p>231:09 Q. When you say "it's an illegal drug,"</p> <p>231:10 you mean it's a prescription drug that is</p> <p>231:11 illegally diverted, correct?</p> <p>231:12 A. Yes.</p> <p>231:13 Q. Based on your knowledge and</p> <p>231:14 understanding and participation in the task</p> <p>231:15 force, are there any years in which Xanax was</p> <p>231:16 not being illegally diverted in the City of</p> <p>231:17 Huntington and Cabell County?</p> <p>231:18 A. Not to my knowledge.</p>	<p>Re: [231:04 to 231:18]</p> <p>Vague; Speculation; Relevance</p>	<p>Re: [231:04 to 231:18]</p> <p>Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets in Cabell/Huntington, both of which are relevant to multiple issues in this case. Question does not ask the witness to speculate, but rather asks for his personal understanding based on his role as Coordinator of the Task Force. Form objections waived by lack of contemporaneous objection.</p>
<p>233:10 - 233:12</p> <p>233:10 Q. Why did the task force track these</p> <p>233:11 three different line items for methamphetamine</p> <p>233:12 only?</p>	<p>Re: [233:10 to 233:12]</p> <p>Relevance; Vague</p>	<p>Re: [233:10 to 233:12]</p> <p>Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets in Cabell/Huntington, both of which are relevant to multiple issues in this case. Question does not ask the witness to speculate, but rather asks for his personal understanding based on his role as Coordinator of the Task Force.</p>

Designations	Objections	Reponses
<p>233:14 - 235:04</p> <p>233:14 THE WITNESS: My understanding was</p> <p>233:15 that methamphetamine use had been more</p> <p>233:16 prevalent at one point in time, and the</p> <p>233:17 manufacture and individual labs within the area</p> <p>233:18 had been more prevalent prior to me getting on</p> <p>233:19 the task force and that's why these boxes would</p> <p>233:20 have been there to track that.</p> <p>233:21 BY MR. PETKIS:</p> <p>233:22 Q. When you say that "there is a point</p> <p>234:01 in time where it was more prevalent," what are</p> <p>234:02 you referring to?</p> <p>234:03 A. At some point in time, I would --</p> <p>234:04 probably before I was on the task force, there</p> <p>234:05 was -- it was more prevalent that people would</p> <p>234:06 make methamphetamine. They would use different</p> <p>234:07 types of methods to make methamphetamine at</p> <p>234:08 their house or other places rather than</p> <p>234:09 importing it in from outside the state.</p> <p>234:10 Q. Was there a point in time where</p> <p>234:11 there was a switch and imported methamphetamine</p> <p>234:12 became more prevalent than single use or</p> <p>234:13 homemade methamphetamine?</p> <p>234:14 A. Yes.</p> <p>234:15 Q. And when did that occur?</p> <p>234:16 A. I don't know exactly. Probably</p> <p>234:17 sometime prior to 2012. The use of meth --</p> <p>234:18 methamphetamine imported in was not very high</p> <p>234:19 and the production of it was basically the only</p> <p>234:20 method, almost the only method in the area.</p> <p>234:21 Q. But at some point, the importation</p> <p>234:22 of methamphetamine by criminal drug trafficking</p> <p>235:01 organizations increased; is that right?</p> <p>235:02 A. Yes.</p> <p>235:03 Q. What is your understanding of the</p> <p>235:04 source of that imported methamphetamine?</p>	<p>Re: [233:14 to 235:04]</p> <p>Relevance; Vague</p>	<p>Re: [233:14 to 235:04]</p> <p>Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets in Cabell/Huntington, both of which are relevant to multiple issues in this case. Question does not ask the witness to speculate, but rather asks for his personal understanding based on his role as Coordinator of the Task Force. Form objections waived by lack of contemporaneous objection.</p>
<p>235:06 - 235:07</p> <p>235:06 THE WITNESS: It would be coming</p> <p>235:07 from Mexico predominantly.</p>	<p>Re: [235:06 to 235:07]</p> <p>Relevance; Vague</p>	<p>Re: [235:06 to 235:07]</p> <p>Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets in Cabell/Huntington, both of which are relevant to multiple issues in this case. Question does not ask the witness to speculate, but rather asks for his personal understanding based on his role as Coordinator of the Task Force.</p>
<p>235:09 - 235:16</p> <p>235:09 Q. When that shift occurred and</p> <p>235:10 imported Mexican methamphetamine became more</p> <p>235:11 common, did the threat posed by methamphetamine</p>		

Designations		Objections	Reponses
235:12	in the City of Huntington and Cabell County		
235:13	increase or decrease?		
235:14	A. I wasn't on the task force when that		
235:15	happened, so I don't know the current state of		
235:16	methamphetamine used in Huntington.		
236:18 - 236:22			
236:18	Q. Are you aware, based on your	Re: [236:18 to 236:22] Vague; Speculation; Relevance	Re: [236:18 to 236:22] Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets in Cabell/Huntington, both of which are relevant to multiple issues in this case. Question does not ask the witness to speculate, but rather asks for his personal understanding based on his role as Coordinator of the Task Force.
236:19	experience and participation in the task force,		
236:20	of any years where methamphetamine was not		
236:21	being illegally sold and abused in the City of		
236:22	Huntington?		
237:02 - 237:02			
237:02	THE WITNESS: I'm not.	Re: [237:02 to 237:02] Vague; Speculation; Relevance	Re: [237:02 to 237:02] Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets in Cabell/Huntington, both of which are relevant to multiple issues in this case. Question does not ask the witness to speculate, but rather asks for his personal understanding based on his role as Coordinator of the Task Force.
242:03 - 243:08			
242:03	Q. And you testified that the task	Re: [242:03 to 243:08] Speculation; Lack of Foundation/Personal Knowledge; Compound; Relevance	Re: [242:03 to 243:08] Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the
242:04	force did have a number of law enforcement		
242:05	interactions with people who were involved in		
242:06	illegal diversion of prescription opioids,		
242:07	correct?		
242:08	A. Yes.		
242:09	Q. You also testified that to the best		
242:10	of the Task Force's ability, it would make an		
242:11	attempt to trace the source of those illegally		
242:12	diverted prescription opioids, correct?		
242:13	A. Yes.		

Designations	Objections	Responses
<p>242:14 Q. And I believe you also testified</p> <p>242:15 that in the majority of cases, the source of</p> <p>242:16 the illegally diverted prescription opioids was</p> <p>242:17 criminal drug trafficking organizations from</p> <p>242:18 outside the City of Huntington, right?</p> <p>242:19 A. Yes.</p> <p>242:20 Q. Do you know what proportion of those</p> <p>242:21 illegally diverted prescription opioids</p> <p>242:22 involved in the interactions you are describing</p> <p>243:01 came from a pharmacy within the City of</p> <p>243:02 Huntington?</p> <p>243:03 A. I do not.</p> <p>243:04 Q. Do you know what proportion of those</p> <p>243:05 illegally diverted prescription opioids came</p> <p>243:06 from a doctor in the City of Huntington who was</p> <p>243:07 prescribing without a legitimate medical</p> <p>243:08 purpose?</p>		<p>questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the diversion of prescription opioids, which is clearly a relevant issue in this case.</p>
<p>243:10 - 243:10</p> <p>243:10 THE WITNESS: I do not.</p>	<p>Re: [243:10 to 243:10] Speculation; Lack of Foundation/Personal Knowledge; Compound; Relevance</p>	<p>Re: [243:10 to 243:10] Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the diversion of prescription opioids, which is clearly a relevant issue in this case.</p>
<p>243:12 - 243:16</p> <p>243:12 Q. Do you have any knowledge of what</p> <p>243:13 portion of those illegally diverted</p> <p>243:14 prescription opioids were shared between family</p> <p>243:15 members or stolen from a medicine cabinet in</p> <p>243:16 the City of Huntington?</p>	<p>Re: [243:12 to 243:16] Speculation; Lack of Foundation/Personal Knowledge; Compound; Relevance</p>	<p>Re: [243:12 to 243:16] Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the diversion of prescription opioids, which is clearly a relevant issue in this case.</p>

Designations	Objections	Reponses
<p>243:18 - 243:18</p> <p>243:18 THE WITNESS: I do not.</p>	<p>Re: [243:18 to 243:18] Speculation; Lack of Foundation/Personal Knowledge; Compound; Relevance</p>	<p>Re: [243:18 to 243:18] Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the diversion of prescription opioids, which is clearly a relevant issue in this case.</p>
<p>245:09 - 245:18</p> <p>245:09 Q. Based on your law enforcement 245:10 experience and participation in the task force, 245:11 what kinds of opioids were involved in the 245:12 opioid epidemic or opioid crisis in the City of 245:13 Huntington? 245:14 A. I think initially, it was 245:15 prescription drug pills and when I think of the 245:16 crisis, I -- that's what I think of. And then 245:17 I think of -- now turn to heroin, but I think 245:18 initially, it was prescription narcotics.</p>		
<p>247:01 - 247:02</p> <p>247:01 Q. Do you believe that the City of 247:02 Huntington is facing an opioid crisis today?</p>		
<p>247:07 - 247:11</p> <p>247:07 THE WITNESS: I don't really have a 247:08 basis. I'm not in Huntington. I haven't been 247:09 there for a while but certainly, what I read in 247:10 the newspaper, I would think that they still 247:11 do, just -- yes. The effects of it.</p>		
<p>247:13 - 247:19</p> <p>247:13 Q. When you referenced things that 247:14 you've read in the newspaper, what are you 247:15 referring to? 247:16 A. Just about arrests, things that -- 247:17 about arrests related to drug abuse, drug 247:18 investigations, theft, child abuse. Things 247:19 that ultimately have a drug connection to them.</p>	<p>Re: [247:13 to 247:19] Hearsay.</p>	<p>Re: [247:13 to 247:19] Objections is unfounded. Counsel asked where witness came to his understanding that there was an opioid crisis in Huntington and the witness properly answered. Hearsay is not applicable as FRE 801(c)(2) is not satisfied, since the information is for notice.</p>
<p>247:20 - 248:02</p> <p>247:20 Q. I believe you testified previously 247:21 that as between prescription opioids and 247:22 illegal opioids like heroin and fentanyl, the 248:01 illegal opioids are more prevalent at this 248:02 time; is that right?</p>		

Designations	Objections	Reponses
<p>248:04 - 248:15</p> <p>248:04 THE WITNESS: I believe they became</p> <p>248:05 more prevalent after the prescription pills,</p> <p>248:06 yes.</p> <p>248:07 BY MR. PETKIS:</p> <p>248:08 Q. And that was -- that happened during</p> <p>248:09 the time that you were assigned to the task</p> <p>248:10 force, right?</p> <p>248:11 A. Yes. They started becoming more</p> <p>248:12 prevalent as -- towards the end of my tenure on</p> <p>248:13 the task force.</p> <p>248:14 Q. To the best of your knowledge, has</p> <p>248:15 that trend continued?</p>		
<p>248:20 - 248:20</p> <p>248:20 THE WITNESS: Yes.</p>		
<p>249:01 - 249:05</p> <p>249:01 Based on -- based on your law</p> <p>249:02 enforcement experience and participation in the</p> <p>249:03 task force, what portion of the opioid crisis</p> <p>249:04 or opioid epidemic from 2012 to 2015, do you</p> <p>249:05 attribute to prescription opioids?</p>		
<p>249:11 - 249:18</p> <p>249:11 THE WITNESS: I believe that the</p> <p>249:12 prescription medication played a significant</p> <p>249:13 role in the opioid epidemic, and I believe that</p> <p>249:14 after individuals were on prescription</p> <p>249:15 medication, prescription medication became</p> <p>249:16 higher -- started being worked more by law</p> <p>249:17 enforcement, drove the price up and the supply</p> <p>249:18 down, people transitioned to heroin.</p>		
<p>249:20 - 250:04</p> <p>249:20 Q. What is the basis for your</p> <p>249:21 understanding that people may have transitioned</p> <p>249:22 from prescription opioid use to heroin use?</p> <p>250:01 A. Conversations with individuals that</p> <p>250:02 we arrested, conversations with individuals</p> <p>250:03 that we talked to within the community and the</p> <p>250:04 drug culture.</p>	<p>Re: [249:20 to 250:04] Hearsay.</p>	<p>Re: [249:20 to 250:04] Objection is unfounded. Hearsay is not applicable pursuant to FRE 803(3), FRE 803(6), and/or FRE 803(8). Hearsay is also not applicable as FRE 801(c)(2) is not satisfied, since the information is for notice. The witness was responding to a question about where the witness came to his understanding.</p>
<p>250:05 - 250:07</p> <p>250:05 Q. Does the task force, to the best of</p> <p>250:06 your knowledge, keep any data on what drug</p> <p>250:07 someone started with after they're arrested?</p>		
<p>250:09 - 250:15</p> <p>250:09 THE WITNESS: No, not to my</p> <p>250:10 knowledge.</p> <p>250:11 BY MR. PETKIS:</p> <p>250:12 Q. What proportion of the individuals</p> <p>250:13 who you believe abused prescription opioids</p> <p>250:14 prior to using heroin, had a valid prescription</p> <p>250:15 for those prescription opioids?</p>		
<p>250:17 - 250:17</p> <p>250:17 THE WITNESS: I don't know.</p>		

Designations	Objections	Reponses
<p>251:22 - 252:09</p> <p>251:22 Q. But you don't know how many of those</p> <p>252:01 people who transitioned had an actual valid</p> <p>252:02 prescription for prescription opioids, right?</p> <p>252:03 A. I do not.</p> <p>252:04 Q. And you don't know how many of those</p> <p>252:05 people who may have transitioned from</p> <p>252:06 prescription opioids to illegal opioids like</p> <p>252:07 heroin were using illegally diverted</p> <p>252:08 prescription opioids?</p> <p>252:09 A. I do not.</p>		
<p>252:18 - 255:10</p> <p>252:18 Q. Have you ever interviewed anyone who</p> <p>252:19 started with another illegal drug and then</p> <p>252:20 began using heroin?</p> <p>252:21 A. Yes.</p> <p>252:22 Q. So you referenced some interviews</p> <p>253:01 that you had with people who began with</p> <p>253:02 prescription opioids and transitioned to</p> <p>253:03 heroin.</p> <p>253:04 Do you remember that?</p> <p>253:05 A. Yes.</p> <p>253:06 Q. How many times has that occurred?</p> <p>253:07 A. I can't put a number on it. More</p> <p>253:08 than once.</p> <p>253:09 Q. Do you recall any of the specific</p> <p>253:10 interviews where someone mentioned that they</p> <p>253:11 began with prescription opioids and then</p> <p>253:12 transitioned to heroin?</p> <p>253:13 A. I don't. It would be a -- during</p> <p>253:14 the course of our investigations and</p> <p>253:15 interviews, we talked to a lot of people and we</p> <p>253:16 would ask, I would frequently ask, how did you</p> <p>253:17 get on this, what happened, what kind of --</p> <p>253:18 what your story is, and so I have talked to a</p> <p>253:19 number of people that used pills and</p> <p>253:20 transitioned from pills to heroin.</p> <p>253:21 Q. Sitting here today, you can't</p> <p>253:22 remember any specific stories along those</p> <p>254:01 lines?</p> <p>254:02 MR. PENDELL: Objection.</p> <p>254:03 THE WITNESS: What are you wanting</p> <p>254:04 as far as a story, like, specifically.</p> <p>254:05 BY MR. PETKIS:</p> <p>254:06 Q. Well, you are referencing a number</p> <p>254:07 of interviews that you had with people who</p> <p>254:08 transitioned from heroin -- I'm sorry, from</p> <p>254:09 prescription opioids to heroin, right?</p> <p>254:10 A. Yes.</p> <p>254:11 Q. Are you thinking of anyone in</p> <p>254:12 particular? Do you have any specific</p> <p>254:13 recollection of those conversations?</p> <p>254:14 A. I do. I remember one. I don't know</p> <p>254:15 their names but I do remember one couple that</p> <p>254:16 we interviewed in Huntington who -- and when I</p> <p>254:17 say "interviewed," we talked to them during a</p> <p>254:18 -- during an interdiction or arrest type of</p> <p>254:19 activity, talked to them about how they got on</p> <p>254:20 heroin.</p> <p>254:21 And I remember husband and wife and</p> <p>254:22 they said that initially, heroin was, like,</p> <p>255:01 scared the daylight out of them. That they</p> <p>255:02 never thought in a million years that they</p> <p>255:03 would use heroin because they had to stick a</p>	<p>Re: [252:18 to 255:10]</p> <p>Def Obj Hearsay.</p>	<p>Re: [252:18 to 255:10]</p> <p>Objection is unfounded. Hearsay is not applicable pursuant to FRE 803(3), FRE 803(6), and/or FRE 803(8). Hearsay is also not applicable as FRE 801(c)(2) is not satisfied, since the information is for notice. The witness was responding to a question about where the witness came to his understanding. Furthermore, the witness was asked specifically to recite conversations the witness recalled during Task Force interviews and investigations. The witness provided the context that the conversation was during an interdiction and part of the ongoing investigation.</p>

Designations		Objections	Reponses
255:04	needle in their arm, but the addiction of the		
255:05	pills was something that drove them to do it,		
255:06	and the supply of pills, the cost of pills,		
255:07	that heroin was much cheaper and that		
255:08	eventually, they decided that they could		
255:09	apparently get around the use of a needle and		
255:10	they transitioned to heroin.		
255:11 - 255:15			
255:11	Q. This particular story you are		
255:12	referencing, did you ask those people whether		
255:13	or not they had a valid prescription for		
255:14	prescription opioids or whether they were using		
255:15	illegally diverted prescription opioids?		
255:17 - 255:22			
255:17	THE WITNESS: No, I did not.		
255:18	BY MR. PETKIS:		
255:19	Q. Do you have an understanding of		
255:20	whether they had a valid prescription or		
255:21	whether or not they were using illegally		
255:22	diverted prescription opioids?		
256:02 - 256:09			
256:02	THE WITNESS: No, I do not.		
256:03	BY MR. PETKIS:		
256:04	Q. Can you recall any interviews where		
256:05	you did ask that question of whether someone		
256:06	had a valid prescription or whether or not they		
256:07	were using illegally diverted prescription		
256:08	opioids?		
256:09	A. No, I can't.		
258:02 - 258:06			
258:02	Q. So is it fair to say then that the		
258:03	vast majority, if not all of the people the		
258:04	task force arrested with prescription opioids		
258:05	had possession of illegally diverted		
258:06	prescription opioids?		
258:08 - 258:12			
258:08	THE WITNESS: Yes.		
258:09	BY MR. PETKIS:		
258:10	Q. So those people would have received		
258:11	their prescription opioid pills from a criminal		
258:12	drug dealer, right?		
258:14 - 259:08			
258:14	THE WITNESS: The majority, yes.		
258:15	There were cases that we would have where		
258:16	individuals would have a legitimate		
258:17	prescription and then they would sell those and		
258:18	if we were buying pills off of them that they		
258:19	had a legitimate prescription for, we would		
258:20	arrest that person even though they had a		
258:21	legitimate prescription for that but those		
258:22	cases were less frequent.		
259:01	BY MR. PETKIS:		
259:02	Q. And you would arrest those people		
259:03	because selling prescription opioids, even if		
259:04	you have a valid prescription is criminal,		
259:05	correct?		
259:06	A. Yes.		
259:07	Q. It's a form of diversion?		
259:08	A. Yes.		

Designations	Objections	Reponses
<p>293:12 - 293:15</p> <p>293:12 Q. In your experience with the task</p> <p>293:13 force, did the task force interact at all with</p> <p>293:14 the West Virginia Board of Medicine as part of</p> <p>293:15 its diversion investigations?</p>	<p>Re: [293:12 to 293:15]</p> <p>Relevance; Lack of</p> <p>Foundation/Personal Knowledge;</p> <p>Speculation</p>	<p>Re: [293:12 to 293:15]</p> <p>Objections are</p> <p>unfounded. Questions do not</p> <p>ask Mr. Cox to speculate, but</p> <p>rather ask for his personal</p> <p>understanding based on the</p> <p>knowledge and experience he</p> <p>gained in his role as</p> <p>Coordinator of the Huntington</p> <p>Violent Crime & Drug Task</p> <p>Force. Mr. Cox answered the</p> <p>questions based on his own</p> <p>knowledge and experience,</p> <p>demonstrating proper</p> <p>foundation and personal</p> <p>knowledge. Questions pertain</p> <p>to the Task Force's</p> <p>investigation of prescription</p> <p>opioid diversion, which is</p> <p>clearly a relevant issue in</p> <p>this case.</p>
<p>293:21 - 294:01</p> <p>293:21 THE WITNESS: I can't say that we</p> <p>293:22 never interacted with them, but that was -- we</p> <p>294:01 rarely, if at all, interacted with them.</p>	<p>Re: [293:21 to 294:01]</p> <p>Relevance; Lack of</p> <p>Foundation/Personal Knowledge;</p> <p>Speculation</p>	<p>Re: [293:21 to 294:01]</p> <p>Objections are</p> <p>unfounded. Questions do not</p> <p>ask Mr. Cox to speculate, but</p> <p>rather ask for his personal</p> <p>understanding based on the</p> <p>knowledge and experience he</p> <p>gained in his role as</p> <p>Coordinator of the Huntington</p> <p>Violent Crime & Drug Task</p> <p>Force. Mr. Cox answered the</p> <p>questions based on his own</p> <p>knowledge and experience,</p> <p>demonstrating proper</p> <p>foundation and personal</p> <p>knowledge. Questions pertain</p> <p>to the Task Force's</p> <p>investigation of prescription</p> <p>opioid diversion, which is</p> <p>clearly a relevant issue in</p> <p>this case.</p>
<p>294:03 - 294:11</p> <p>294:03 Q. Okay. So sitting here today, you</p> <p>294:04 can't specifically recall any instances where</p> <p>294:05 the task force interacted with the West</p> <p>294:06 Virginia Board of Medicine on a diversion</p> <p>294:07 investigation?</p> <p>294:08 A. Not in our investigations.</p> <p>294:09 Q. Okay. Did the task force interact</p> <p>294:10 at all with the West Virginia Board of Pharmacy</p>	<p>Re: [294:03 to 294:11]</p> <p>Relevance; Lack of</p> <p>Foundation/Personal Knowledge;</p> <p>Speculation</p>	<p>Re: [294:03 to 294:11]</p> <p>Objections are</p> <p>unfounded. Questions do not</p> <p>ask Mr. Cox to speculate, but</p> <p>rather ask for his personal</p> <p>understanding based on the</p> <p>knowledge and experience he</p> <p>gained in his role as</p>

Designations	Objections	Reponses
<p>294:11 on any diversion investigation?</p>		<p>Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the Task Force's investigation of prescription opioid diversion, which is clearly a relevant issue in this case.</p>
<p>294:16 - 294:16 294:16 THE WITNESS: Generally, no.</p>	<p>Re: [294:16 to 294:16] Relevance; Lack of Foundation/Personal Knowledge; Speculation</p>	<p>Re: [294:16 to 294:16] Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the Task Force's investigation of prescription opioid diversion, which is clearly a relevant issue in this case.</p>
<p>294:18 - 294:21 294:18 Q. And sitting here today, you can't 294:19 remember any specific investigations where the 294:20 task force worked with the West Virginia Board 294:21 of Pharmacy on diversion investigations?</p>	<p>Re: [294:18 to 294:21] Relevance; Lack of Foundation/Personal Knowledge; Speculation</p>	<p>Re: [294:18 to 294:21] Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the Task Force's investigation of prescription opioid diversion, which is clearly a relevant issue in this case.</p>

Designations	Objections	Reponses
<p>295:02 - 295:02</p> <p>295:02 THE WITNESS: No.</p>	<p>Re: [295:02 to 295:02] Relevance; Lack of Foundation/Personal Knowledge; Speculation</p>	<p>Re: [295:02 to 295:02] Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the Task Force's investigation of prescription opioid diversion, which is clearly a relevant issue in this case.</p>
<p>297:22 - 298:02</p> <p>297:22 Q. For instance, the task force would 298:01 not investigate a doctor who was writing 298:02 legitimate prescriptions, correct?</p>	<p>Re: [297:22 to 298:02] Relevance; Lack of Foundation/Personal Knowledge; Speculation</p>	<p>Re: [297:22 to 298:02] Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the Task Force's investigation of prescription opioid diversion, which is clearly a relevant issue in this case.</p>

Designations	Objections	Reponses
<p>298:04 - 298:05</p> <p>298:04 THE WITNESS: Correct. That was not</p> <p>298:05 within our investigative additive.</p>	<p>Re: [298:04 to 298:05]</p> <p>Relevance; Lack of Foundation/Personal Knowledge; Speculation</p>	<p>Re: [298:04 to 298:05]</p> <p>Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the Task Force's investigation of prescription opioid diversion, which is clearly a relevant issue in this case.</p>
<p>298:07 - 298:14</p> <p>298:07 Q. Based on your experience with the</p> <p>298:08 task force, are you familiar with something</p> <p>298:09 called an ARCOS database?</p> <p>298:10 A. I am not.</p> <p>298:11 Q. Based on your experience with the</p> <p>298:12 task force, you are not aware of any situation</p> <p>298:13 where the task force made use of the ARCOS</p> <p>298:14 database as part of a diversion investigation?</p>	<p>Re: [298:07 to 298:14]</p> <p>Relevance; Lack of Foundation/Personal Knowledge; Speculation</p>	<p>Re: [298:07 to 298:14]</p> <p>Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the Task Force's investigation of prescription opioid diversion, which is clearly a relevant issue in this case.</p>

Designations	Objections	Reponses
<p>298:19 - 298:19</p> <p>298:19 THE WITNESS: I'm not.</p>	<p>Re: [298:19 to 298:19] Relevance; Lack of Foundation/Personal Knowledge; Speculation</p>	<p>Re: [298:19 to 298:19] Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the Task Force's investigation of prescription opioid diversion, which is clearly a relevant issue in this case.</p>
<p>298:21 - 299:08</p> <p>298:21 Q. Based on your experience with the 298:22 task force, are you familiar with the West 299:01 Virginia Board of Pharmacy controlled substance 299:02 monitoring program, also sometimes called CSAP? 299:03 A. No. 299:04 Q. Based on that answer, I'm going to 299:05 assume based on your involvement with the task 299:06 force, you are not aware of the task force ever 299:07 using CSAP as part of a diversion 299:08 investigation?</p>	<p>Re: [298:21 to 299:08] Relevance; Lack of Foundation/Personal Knowledge; Speculation</p>	<p>Re: [298:21 to 299:08] Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the Task Force's investigation of prescription opioid diversion, which is clearly a relevant issue in this case.</p>

Designations	Objections	Reponses
<p>299:10 - 299:13</p> <p>299:10 THE WITNESS: The FBI did not run</p> <p>299:11 diversion investigations on doctors or</p> <p>299:12 pharmacies. That was done by someone else</p> <p>299:13 outside the task force.</p>	<p>Re: [299:10 to 299:13]</p> <p>Relevance; Lack of</p> <p>Foundation/Personal Knowledge;</p> <p>Speculation</p>	<p>Re: [299:10 to 299:13]</p> <p>Objections are</p> <p>unfounded. Questions do not</p> <p>ask Mr. Cox to speculate, but</p> <p>rather ask for his personal</p> <p>understanding based on the</p> <p>knowledge and experience he</p> <p>gained in his role as</p> <p>Coordinator of the Huntington</p> <p>Violent Crime & Drug Task</p> <p>Force. Mr. Cox answered the</p> <p>questions based on his own</p> <p>knowledge and experience,</p> <p>demonstrating proper</p> <p>foundation and personal</p> <p>knowledge. Questions pertain</p> <p>to the Task Force's</p> <p>investigation of prescription</p> <p>opioid diversion, which is</p> <p>clearly a relevant issue in</p> <p>this case.</p>
<p>299:15 - 299:16</p> <p>299:15 Q. Who outside the task force would be</p> <p>299:16 responsible for those investigations?</p>		
<p>299:21 - 299:22</p> <p>299:21 THE WITNESS: Other members of the</p> <p>299:22 FBI in Huntington or Charleston.</p>		
<p>300:08 - 300:15</p> <p>300:08 Q. Are you familiar with the term</p> <p>300:09 "Suspicious Order Report?"</p> <p>300:10 A. I am not.</p> <p>300:11 Q. Are you aware, based on your</p> <p>300:12 involvement with the task force, of the task</p> <p>300:13 force ever having used a Suspicious Order</p> <p>300:14 Report in connection with a diversion</p> <p>300:15 investigation?</p>	<p>Re: [300:08 to 300:15]</p> <p>Relevance; Lack of</p> <p>Foundation/Personal Knowledge;</p> <p>Speculation</p>	<p>Re: [300:08 to 300:15]</p> <p>Objections are</p> <p>unfounded. Questions do not</p> <p>ask Mr. Cox to speculate, but</p> <p>rather ask for his personal</p> <p>understanding based on the</p> <p>knowledge and experience he</p> <p>gained in his role as</p> <p>Coordinator of the Huntington</p> <p>Violent Crime & Drug Task</p> <p>Force. Mr. Cox answered the</p> <p>questions based on his own</p> <p>knowledge and experience,</p> <p>demonstrating proper</p> <p>foundation and personal</p> <p>knowledge. Questions pertain</p> <p>to the Task Force's</p> <p>investigation of prescription</p> <p>opioid diversion, which is</p> <p>clearly a relevant issue in</p> <p>this case.</p>

Designations	Objections	Reponses
<p>300:20 - 300:20</p> <p>300:20 THE WITNESS: I am not.</p>	<p>Re: [300:20 to 300:20] Relevance; Lack of Foundation/Personal Knowledge; Speculation</p>	<p>Re: [300:20 to 300:20] Objections are unfounded. Questions do not ask Mr. Cox to speculate, but rather ask for his personal understanding based on the knowledge and experience he gained in his role as Coordinator of the Huntington Violent Crime & Drug Task Force. Mr. Cox answered the questions based on his own knowledge and experience, demonstrating proper foundation and personal knowledge. Questions pertain to the Task Force's investigation of prescription opioid diversion, which is clearly a relevant issue in this case.</p>
<p>311:09 - 311:21</p> <p>311:09 MR. PETKIS: I'm going to mark 311:10 Exhibit 56. 311:11 (Deposition Exhibit 56 was marked 311:12 for identification.) 311:13 BY MR. PETKIS: 311:14 Q. Let me know once you have had a 311:15 chance to review that. 311:16 A. Okay. 311:17 Q. This exhibit is a combined e-mail 311:18 attachment. 311:19 Do you see yourself copied on the 311:20 first e-mail there dated January 19, 2016? 311:21 A. I do.</p>	<p>Re: [311:09 to 311:21] Hearsay</p>	<p>Re: [311:09 to 311:21] Question designated for purposes of laying foundation for ensuing questions regarding Exhibit 56. Exhibit 56 is a combined email thread and attachment containing a report prepared by the DEA concerning illegal heroin distribution and prescription opioid diversion in Huntington, West Virginia. The email thread contains members of the Huntington Police Department. The DEA report contained in Exhibit 56 constitutes an admissible public record for which Plaintiffs cannot demonstrate untrustworthiness under FRE 803(8)(A)(i). At minimum, Exhibit 56 could be admitted not for its truth, but instead for notice to the Huntington Police Department of illegal drug distribution in Cabell/Huntington as of 2015.</p>
<p>313:17 - 314:01</p> <p>313:17 The very first paragraph begins: 313:18 "Huntington, West Virginia, to a lesser extent, 313:19 Charleston, West Virginia, are major 313:20 destinations for traffickers transporting 313:21 controlled pharmaceutical drugs (CPDs) and 313:22 heroin from Detroit, Michigan."</p>	<p>Re: [313:17 to 314:01] Incomplete designation; Hearsay; No Answer/Responsiveness; Lack of Foundation; Assumes Facts</p>	<p>Re: [313:17 to 314:01] Designation corrected to 313:17-314:1. Question pertains to Exhibit 56, which is a combined email thread and attachment containing a report</p>

Designations	Objections	Reponses
<p>314:01 Do you see that?</p>		<p>prepared by the DEA concerning illegal heroin distribution and prescription opioid diversion in Huntington, West Virginia. The email thread contains members of the Huntington Police Department. The DEA report contained in Exhibit 56 constitutes an admissible public record for which Plaintiffs cannot demonstrate untrustworthiness under FRE 803(8)(A)(i). At minimum, Exhibit 56 could be admitted not for its truth, but instead for notice to the Huntington Police Department of illegal drug distribution in Cabell/Huntington as of 2015.</p>
<p>314:02 - 314:02 314:02 A. Yes.</p>		
<p>314:14 - 316:04</p> <p>314:14 Q. The very next sentence here reads: 314:15 "Although the movement of CPDs from Detroit to 314:16 West Virginia has been stable, for the past 314:17 several years, the volume of heroin trafficking 314:18 is increasing as heroin abuse expands in West 314:19 Virginia." 314:20 Did I read that correctly? 314:21 A. Yes. 314:22 Q. Is that consistent with your 315:01 understanding of the volume of prescription 315:02 drug trafficking compared to heroin trafficking 315:03 around the time you left the task force in 315:04 2015? 315:05 A. No. I would -- in my opinion, no. 315:06 Q. And why not? 315:07 A. I believe the prescription 315:08 medication decreased and heroin increased. 315:09 Q. Okay. Understood. So where it says 315:10 here that: "The movement of CPDs from Detroit 315:11 to West Virginia has been stable," you disagree 315:12 because you believe it actually decreased, 315:13 correct? 315:14 A. Yes. 315:15 Q. The next paragraph begins: "As 315:16 heroin abuse and trafficking in West Virginia 315:17 have increased, Detroit traffickers have 315:18 swiftly exploited their CPD trafficking 315:19 connections and methods to sell heroin in 315:20 Huntington and Charleston and by extension, 315:21 rural West Virginia." 315:22 Did I read that correctly? 316:01 A. Yes. 316:02 Q. Do you agree with that assessment 316:03 based on your work with the task force at the 316:04 time you left in 2015?</p>		
<p>316:07 - 316:07 316:07 THE WITNESS: Yes.</p>		

Designations	Objections	Reponses
316:09 - 316:12 316:09 Q. So it's your understanding then that 316:10 criminals who had been trafficking prescription 316:11 drugs began to traffic heroin from Detroit to 316:12 West Virginia instead?		
316:16 - 316:16 316:16 THE WITNESS: Yes.		
316:18 - 316:21 316:18 Q. Those criminals essentially then 316:19 made the choice to focus more on distributing 316:20 heroin compared to pharmaceutical drugs; is 316:21 that correct?	Re: [316:18 to 316:21] Speculation; Assumes Facts; Lack of Foundation; Improper Opinion; Relevance	Re: [316:18 to 316:21] Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets.
317:03 - 317:03 317:03 THE WITNESS: Yes.	Re: [317:03 to 317:03] Speculation; Assumes Facts; Lack of Foundation; Improper Opinion; Relevance	Re: [317:03 to 317:03] Objections are unfounded. Mr. Cox previously served as Coordinator of the Huntington Violent Crime & Drug Task Force and testified at length regarding his experience investigating drug crimes and diversion. He is well-positioned to answer questions concerning illegal drug distribution and illicit drug markets.
317:05 - 317:14 317:05 Q. The very next sentence reads: "This 317:06 trend is expected to increase supply, drive 317:07 down prices and contribute to an uptick in 317:08 trafficking-related violence in West Virginia." 317:09 Did I read that correctly? 317:10 A. Yes. 317:11 Q. Is that statement consistent with 317:12 your understanding at the time you left the 317:13 task force in 2015? 317:14 A. Yes.		
321:13 - 321:22 321:13 Q. Based on your law enforcement 321:14 experience and your work with the task force, 321:15 is it your understanding that part of what 321:16 makes illegal drugs so dangerous is that they 321:17 can be laced with other drugs? 321:18 A. Yes. 321:19 Q. And the end user of those illegal 321:20 drugs might not know that the drugs are laced 321:21 with something else, correct? 321:22 A. Correct.		

Designations	Objections	Reponses
339:02 - 340:03 339:02 Q. So, Special Agent Cox, you recall 339:03 earlier I asked you some questions about the 339:04 techniques and methods that the task force used 339:05 as part of its diversion investigations. 339:06 Do you remember that? 339:07 A. Yes. 339:08 Q. Based on your experience with the 339:09 task force, did the task force make use of 339:10 either physical or electronic surveillance as 339:11 part of its diversion investigations? 339:12 A. Yes. 339:13 Q. Did the task force make use of 339:14 confidential informants as part of its 339:15 diversion investigations? 339:16 A. Yes. 339:17 Q. Did the task force make use of 339:18 cooperating defendants as part of its diversion 339:19 investigations? 339:20 A. Yes. 339:21 Q. And did the task force make use of 339:22 wiretaps as part of its diversion 340:01 investigations? 340:02 A. During my time, we did not, but we 340:03 have the capabilities.	Re: [339:02 to 340:03] Relevance	Re: [339:02 to 340:03] Objection is unfounded. Questions pertain to the Task Force's investigation of prescription opioid diversion, which is clearly a relevant issue in this case.